

REMARKS/ARGUMENTS

Status Of The Application

After entry of the foregoing amendment, claims 1-19 will be pending in the application. Claims 1, 2, 7-13, and 16-19 are amended. The dependency of claims 18 and 19 have been changed by this reply. Claims 1 and 7 are the only independent claims.

Claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,580,980 – Acquanetta (“Acquanetta”). The Examiner is of the opinion that Acquanetta discloses a cosmetic prosthesis that is customizable and include a space filling component for resting between the gums and lips. By the present reply, claim 1 is being amended to include a molar clasp for holding the component in place. Acquanetta discloses no such structure. Rather, Acquanetta discloses a denture designed to fit within a mouth from which teeth have been removed. As a result, there is no teaching, suggestion or motivation to modify Acquanetta to include a molar clasp. Accordingly, Acquanetta does not anticipate the presently claimed invention. Since Claim 1 is allowable, dependent Claims 2-6 are also allowable.

Claim 7 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,568,197 – Laffin (“Laffin”). The Examiner is of the opinion that Laffin shows an appliance having two components, one on each side of a division. By the present reply, claim 7 is being amended to include a connecting member, first and second molar clasps and the qualification that when the appliance is placed within a mouth the first and second components are spaced from the teeth. Laffin discloses no such structure. Rather, Laffin discloses a single piece component having no clasps that is specifically designed to press against the teeth. For example, Laffin explains as follows:

it is further provided with impressions 11 corresponding in size and disposition to the fore normal maxilla teeth, these impressions 11 being located at the free lowermost edge 12 of the said element 10 and intersect such edge to partially overlie that area next to the gum at the meeting of the latter with the upper teeth and contacts against the outer surfaces of the same. Col. 3, lines 7-14.

In Figures 1 and 5 of the drawing it will be noted that in the illustrated instances the maximum portion of the element 10 is disposed against labial side of the upper jaw above the teeth and with slight overlap of the latter and resiliently held thereagainst owing to the inherent resilience of the element 10 itself ... Col. 3, lines 39-45.

As a result there is no teaching, suggestion or motivation to modify Laffin to include clasps or to be spaced from the teeth. Accordingly, Laffin does not anticipate the presently claimed invention.

Claim 7 was also rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,584,620 – Hale (“Hale”). The Examiner is of the opinion that Hale shows an appliance having two components extending back from a central region. By the present reply, claim 7 is being amended to include a connecting member, first and second molar clasps and the qualification that when the appliance is placed within a mouth the first and second components are spaced from the teeth. Hale discloses no such combination of elements. Hale discloses the use of shafts 10 having bent tips or clasps 12 having segmental rings. Hale does not disclose molar clasps. Hale also discloses a device that is too large, thick and cumbersome to fit comfortably. Moreover, the device of Hale is formed to surround a flexible metallic base 3 (Fig. 1A) that is not a wire. The first and second components of the present invention are each homogeneous, i.e., they do not surround a metallic base. Still further, Hale discloses a device that closes or tightens on the inner gum tissue upon insertion:

...the upper device 1 and lower device 1a is shaped and resiliently formed so that the free ends tend to close when pulled from their normal position. Col. 1, lines 53-55.

By contrast, the molar clasps hold the claimed invention in place.

In view of the above, claim 7 is not anticipated by either both Laffin or Hale. Since Claim 7 is allowable, dependent Claims 8-19 are also allowable.

For all the foregoing reasons, the Applicant submits that the application is in condition for allowance. Accordingly, a Notice of Allowance for claims 1-19 is respectfully requested. If, for any reason, the Examiner does not agree that the application is in condition for allowance, the Examiner is encouraged to contact the undersigned by telephone in order to resolve any remaining issues.

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